

EXHIBIT B

December 17, 2020

<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK</p> <p style="text-align: center;">-----X</p> <p>MARIO H. CAPOGROSSO,</p> <p style="text-align: center;">PLAINTIFF,</p> <p>-against- Case No.: 18 CV 2710 (EK) (LB)</p> <p>ALAN GELBSTEIN, in his individual capacity, IDA TRASCHEN, in her individual capacity, DANIELLE CALVO, in her capacity, SADIQ TAHIR, in his individual capacity, PEC GROUP OF NY, INC., DAVID SMART, and DMV COMMISSIONER MARK SCHROEDER, in his official capacity,</p> <p style="text-align: center;">DEFENDANTS.</p> <p style="text-align: center;">-----X</p> <p>DATE: December 17, 2020 TIME: 12:24 P.M.</p> <p>DEPOSITION of the Defendant, IDA TRASCHEN, taken by the Plaintiff, pursuant to a Notice and to the Federal Rules of Civil Procedure, held VIA ZOOM VIDEOCONFERENCE, before Jamie Newman, a Notary Public of the State of New York.</p>	<p style="text-align: right;">Page 3</p> <p>1 IDA TRASCHEN 2 (Whereupon, all 86 exhibits 3 were previously marked by Counsel, 4 Mark Capogrosso. 5 IDA TRASCHEN, called as a 6 witness, having been first duly sworn by a 7 Notary Public of the State of New York, was 8 examined and testified as follows: 9 EXAMINATION BY 10 MR. CAPOGROSSO: 11 Q. Please state your name for the 12 record. 13 A. Ida Traschen. 14 Q. What is your address? 15 A. 1600 Spring Avenue Extension, 16 Wynantskill, New York 12198. 17 Q. Defendant Traschen I have a few 18 questions. I just ask that you speak 19 truthfully so we get to the truth. 20 On May 11, 2015 you had me 21 removed from the Brooklyn TVB; is that 22 correct? 23 A. I don't recall the date that 24 you were requested to not practice any more 25 in the Brooklyn TVB.</p>
<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 4 THE LAW FIRM OF MARIO H. CAPOGROSSO 5 PLAINTIFF PRO SE 6 21 Sheldrake Place 7 New Rochelle, New York 10804 8 Capogrosso@aol.com 9 10 OFFICE OF THE NEW YORK STATE ATTORNEY 11 GENERAL 12 Attorneys for the Defendants 13 ALAN GELBSTEIN, in his individual 14 capacity, IDA TRASCHEN, in her individual 15 capacity, DANIELLE CALVO, in her 16 capacity, SADIQ TAHIR, in his individual 17 capacity, PEC GROUP OF NY, INC., DAVID 18 SMART, and DMV COMMISSIONER MARK 19 SCHROEDER, in his official capacity 20 28 Liberty Street, 17th Floor 21 New York, New York 10005 22 BY: JAMES THOMPSON, ESQ. 23 james.thompson@ag.ny.gov 24 25 DMV LEGAL BUREAU Attorneys for the Defendant DMV COMMISSIONER MARK SCHROEDER, in his official capacity 6 Empire State Plaza, Room 522A Albany, New York 12228 BY: BARBARA MONTENA, ESQ. File #: 18CV2710 barbara.montena@dmv.nyc.gov</p> <p style="text-align: center;">* * * *</p>	<p style="text-align: right;">Page 4</p> <p>1 IDA TRASCHEN 2 Q. Did you make a phone call to me 3 on the morning of May 11, 2015? 4 A. I did have phone call with you, 5 but I do not recall the date. 6 Q. Do you remember what the 7 conversation was? 8 A. I have a vague recollection of 9 the conversation. 10 Q. Tell me what you remember? 11 A. I remember that you asked why 12 you had been terminated from practicing in 13 the Brooklyn TVB -- the Coney Island TVB 14 and I explained that based on conversation 15 with Alan Gelbstein and some documentation 16 he presented that, we reached the 17 conclusion that you posed a -- you were not 18 acting in accordance with the rules and 19 regulations for attorneys in the TVB. 20 That the employees felt 21 threatened, that the security guard had 22 raised concerns and that you had been 23 belligerent and threatening. That's all I 24 recall on a very high level. 25 Q. On May 11, 2015 I was removed</p>

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<p style="text-align: right;">Page 5</p> <p>1 IDA TRASCHEN</p> <p>2 from the Brooklyn TVB. I was told by</p> <p>3 Danielle Calvo who is also a defendant in</p> <p>4 this action to call you. At that point in</p> <p>5 time I was told by you that I was banned</p> <p>6 from the practice of law at all New York</p> <p>7 City TVBs.</p> <p>8 Is that true?</p> <p>9 MR. THOMPSON: Objection to the</p> <p>10 form of the question. You can</p> <p>11 answer.</p> <p>12 A. I don't recall the date of the</p> <p>13 phone call, but I did confirm that you were</p> <p>14 banned from practicing at all TVBs.</p> <p>15 Q. All TVBs.</p> <p>16 And you said you had a</p> <p>17 conversation with Defendant Gelbstein on</p> <p>18 the morning of May 11, 2015?</p> <p>19 A. I had a conversation with Alan</p> <p>20 Gelbstein, but I don't recall the date.</p> <p>21 Q. Was it before --</p> <p>22 MR. THOMPSON: Objection,</p> <p>23 hearsay. As in Judge Gelbstein</p> <p>24 deposition, we will object on the</p> <p>25 basis of privilege to any questions</p>	<p style="text-align: right;">Page 7</p> <p>1 IDA TRASCHEN</p> <p>2 THE COURT REPORTER: This one?</p> <p>3 MR. CAPOGROSSO: Actually, I</p> <p>4 think it's Exhibit 68.</p> <p>5 (Whereupon, Plaintiff's Exhibit</p> <p>6 68, previously marked, was</p> <p>7 introduced.)</p> <p>8 MR. THOMPSON: Mr. Capogrosso,</p> <p>9 those redactions, were those</p> <p>10 redactions that you put in?</p> <p>11 MR. CAPOGROSSO: No, those were</p> <p>12 submissions I received from your</p> <p>13 office as you gave them to me.</p> <p>14 Further down, please.</p> <p>15 (Whereupon, the Court Reporter</p> <p>16 complied.)</p> <p>17 Q. I'm going to draw your</p> <p>18 attention to this report.</p> <p>19 I'm sorry, can you please go up</p> <p>20 to the top of the page, I apologize. Now,</p> <p>21 this a work violence report made by David</p> <p>22 Smart.</p> <p>23 Are you familiar with this work</p> <p>24 violence report?</p> <p>25 A. I don't know if I have ever</p>
<p style="text-align: right;">Page 6</p> <p>1 IDA TRASCHEN</p> <p>2 of content.</p> <p>3 MR. CAPOGROSSO: I'm not asking</p> <p>4 content.</p> <p>5 Q. When you had the conversation,</p> <p>6 I'm not asking the content of the</p> <p>7 conversation, when you had the conversation</p> <p>8 with Defendant Gelbstein, was it before the</p> <p>9 morning of May 11, 2015 or was it after the</p> <p>10 morning of May 11, 2015?</p> <p>11 A. I don't recall the date of my</p> <p>12 conversation with Judge Gelbstein.</p> <p>13 Q. Did you have me removed from</p> <p>14 the Brooklyn TVB and the practice of law</p> <p>15 from all TVBs, after you had a conversation</p> <p>16 with Defendant Gelbstein?</p> <p>17 A. Yes.</p> <p>18 Q. Afterwards?</p> <p>19 A. Subsequent to the conversation</p> <p>20 with him, yes.</p> <p>21 Q. Afterwards, not before.</p> <p>22 All right. Let me bring your</p> <p>23 attention to the police report that was</p> <p>24 filed, Exhibit 70. Can we go to</p> <p>25 Exhibit 70.</p>	<p style="text-align: right;">Page 8</p> <p>1 IDA TRASCHEN</p> <p>2 seen this particular report.</p> <p>3 Q. Can you please scroll down,</p> <p>4 thank you.</p> <p>5 (Whereupon, the Court Reporter</p> <p>6 complied.)</p> <p>7 Q. Now, I'm going to direct your</p> <p>8 attention to this paragraph right here, and</p> <p>9 I'm going to direct you to this is a</p> <p>10 comment, in the additional comments. This</p> <p>11 is Danielle Calvo, a defendant in this</p> <p>12 matter writing this in this work violence</p> <p>13 report concerning the incident of May 11,</p> <p>14 2015.</p> <p>15 "I was told" -- I'll direct</p> <p>16 your attention now to the third line, "I</p> <p>17 was told by Judge Gelbstein to go with the</p> <p>18 officers from the police room to tell</p> <p>19 Mr. Capogrosso that he must leave the</p> <p>20 building and to give him legal's phone</p> <p>21 number for any further details. I did that</p> <p>22 and he left the building."</p> <p>23 Now, is that a true statement,</p> <p>24 were you in conversation with Danielle</p> <p>25 Calvo on the morning of May 11, 2015?</p>

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<p style="text-align: right;">Page 9</p> <p>1 IDA TRASCHEN</p> <p>2 A. I don't recall any --</p> <p>3 MR. THOMPSON: Objection to the</p> <p>4 form of the question, you can answer.</p> <p>5 A. I'm sorry, I don't recall any</p> <p>6 conversation with Danielle Calvo.</p> <p>7 Q. But, Danielle Calvo, according</p> <p>8 to this additional comment, indicates that</p> <p>9 she was told for me to call legal counsel;</p> <p>10 is that fair to say?</p> <p>11 A. Well, she says that in the</p> <p>12 statement. I don't recall having a</p> <p>13 conversation with her on that day.</p> <p>14 Q. On the morning of May 11, 2015,</p> <p>15 I was removed from the Brooklyn TVB after I</p> <p>16 was told by -- I was removed by police</p> <p>17 officers under the direction of Danielle</p> <p>18 Calvo who was told by Judge Gelbstein to</p> <p>19 have me removed and I was told to call you.</p> <p>20 And your conversation with me was, "you're</p> <p>21 banned from the practice of law at all" --</p> <p>22 MR. THOMPSON: Objection.</p> <p>23 Who's testifying here?</p> <p>24 Q. Now in response to that</p> <p>25 preface, it was a preface.</p>	<p style="text-align: right;">Page 11</p> <p>1 IDA TRASCHEN</p> <p>2 A. I don't -- I was not aware</p> <p>3 there was a videotape, I don't know if</p> <p>4 there was a videotape. As I explained</p> <p>5 before and my conversations with Judge</p> <p>6 Gelbstein are privileged, but on a high</p> <p>7 level I can tell you based on our</p> <p>8 conversation and documentation he submitted</p> <p>9 to me, I agreed that you should be removed.</p> <p>10 Q. Tell me the basis for my</p> <p>11 removal, why did you remove me; give me the</p> <p>12 actual complaints, tell me exactly what was</p> <p>13 the basis for your removal of me?</p> <p>14 MR. THOMPSON: Objection. Is</p> <p>15 that a question?</p> <p>16 MR. CAPOGROSSO: Yes.</p> <p>17 Q. What's the basis for your</p> <p>18 removal?</p> <p>19 A. Well, I'm not going to get into</p> <p>20 privileged conversation and this is five</p> <p>21 years ago.</p> <p>22 Q. I could care --</p> <p>23 A. Well, it was five years ago, my</p> <p>24 recollection is vague, but I do recall that</p> <p>25 based on the specifics of my conversation</p>
<p style="text-align: right;">Page 10</p> <p>1 IDA TRASCHEN</p> <p>2 Did you view or review any</p> <p>3 videotape of the alleged incident on</p> <p>4 May 11, 2015?</p> <p>5 A. No.</p> <p>6 Q. So, you had me removed without</p> <p>7 viewing any videotape?</p> <p>8 A. I did not review any videotape.</p> <p>9 Q. Yet you still had me removed</p> <p>10 from the practice of law and all New York</p> <p>11 TVBs?</p> <p>12 MR. THOMPSON: Objection, asked</p> <p>13 and answered. You can respond.</p> <p>14 Q. I'm going to ask it again.</p> <p>15 Did you have me removed from</p> <p>16 the practice of law in all New York TVBs</p> <p>17 without reviewing the videotape?</p> <p>18 MR. THOMPSON: Same objection,</p> <p>19 you can answer.</p> <p>20 A. I did not review any videotape</p> <p>21 and I did -- I was part of the decision to</p> <p>22 have you removed, that is correct.</p> <p>23 Q. So, for what reason did you</p> <p>24 have me removed, if you didn't review the</p> <p>25 videotape?</p>	<p style="text-align: right;">Page 12</p> <p>1 IDA TRASCHEN</p> <p>2 with Judge Gelbstein and on documentation</p> <p>3 he sent to me, I agreed with the decision</p> <p>4 to have you removed. That's all I can tell</p> <p>5 you.</p> <p>6 Q. And you didn't keep any</p> <p>7 documentation as to the reason for my</p> <p>8 removal?</p> <p>9 MR. THOMPSON: Objection to the</p> <p>10 form of the question.</p> <p>11 A. I don't have any documentation</p> <p>12 at home, I'm retired.</p> <p>13 Q. Did you review the voracity of</p> <p>14 any documents or affidavits written against</p> <p>15 me and my practice of law?</p> <p>16 A. I don't understand.</p> <p>17 Q. Prior to having me removed, did</p> <p>18 you review any of the documents filed</p> <p>19 against -- written against me, prior to you</p> <p>20 having me removed from the practice of law</p> <p>21 at the New York City TVB?</p> <p>22 A. As I stated, I did review some</p> <p>23 documents that Alan Gelbstein sent to me.</p> <p>24 Q. Can you tell me which documents</p> <p>25 you reviewed?</p>

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<p style="text-align: right;">Page 13</p> <p>1 IDA TRASCHEN</p> <p>2 MR. THOMPSON: Objection,</p> <p>3 privileged.</p> <p>4 A. I don't recall the specifics,</p> <p>5 it was five years ago.</p> <p>6 Q. Did you question the voracity</p> <p>7 or truthfulness of any of affidavits or</p> <p>8 evidence submitted against me and my</p> <p>9 office?</p> <p>10 A. I recall during my conversation</p> <p>11 with Alan that we reviewed the documents,</p> <p>12 we went over them and I ask him questions</p> <p>13 about them. And he -- I mean, that's all I</p> <p>14 can tell you at a high level. I don't</p> <p>15 recall the details of the conversation.</p> <p>16 Q. I don't understand what you're</p> <p>17 saying. I'm at a low level. See, I'm the</p> <p>18 guy on the street defending these people.</p> <p>19 I'm not at a high level, I'm at a low</p> <p>20 level.</p> <p>21 So I don't understand what</p> <p>22 you're saying by high level. I'm at the</p> <p>23 low level, I'm the guy actually on the</p> <p>24 street defending people in the courtroom.</p> <p>25 So, I'm the low level guy.</p>	<p style="text-align: right;">Page 15</p> <p>1 IDA TRASCHEN</p> <p>2 Did you ever allow me the</p> <p>3 opportunity to respond to any of those</p> <p>4 affidavits or complaints?</p> <p>5 A. Well, I did have the phone</p> <p>6 conversation with you, but -- and I did not</p> <p>7 know if anyone else had any discussions</p> <p>8 with you about it.</p> <p>9 Q. We had a phone conversation on</p> <p>10 the morning of May 11th, how long did that</p> <p>11 phone conversation last, Defendant</p> <p>12 Traschen?</p> <p>13 A. I don't recall.</p> <p>14 Q. So, now you are legal counsel</p> <p>15 for the DMV; right, that was with your</p> <p>16 title?</p> <p>17 A. I was first assistant counsel</p> <p>18 at the time of the incident.</p> <p>19 Q. And you made a determination to</p> <p>20 have me removed from the Brooklyn TVB and</p> <p>21 the practice of law in all TVBs with no</p> <p>22 opportunity for me to respond to any</p> <p>23 affidavits or complaints, that's your</p> <p>24 testimony; right?</p> <p>25 MR. THOMPSON: Objection to the</p>
<p style="text-align: right;">Page 14</p> <p>1 IDA TRASCHEN</p> <p>2 Prefacing the question with</p> <p>3 that because I don't understand what high</p> <p>4 level means, did you ever question the</p> <p>5 people who wrote the affidavits and</p> <p>6 submitted complaints against me as to</p> <p>7 whether they were truthful or not, did you</p> <p>8 ever question the people who wrote them?</p> <p>9 A. Do you mean, did I talk to them</p> <p>10 and question them?</p> <p>11 Q. Yes.</p> <p>12 A. No, I did not.</p> <p>13 Q. Did you ever give me an</p> <p>14 opportunity to respond to the affidavits</p> <p>15 and complaints written against me and my</p> <p>16 office?</p> <p>17 A. I'm not sure I understand the</p> <p>18 question, can you just --</p> <p>19 Q. There were affidavits and</p> <p>20 complaints written against my office that</p> <p>21 you and Defendant Gelbstein reviewed and</p> <p>22 based on those affidavits and complaints</p> <p>23 and the incident allegedly of May 11, 2015,</p> <p>24 you had me removed from the practice of law</p> <p>25 in all New York TVBs.</p>	<p style="text-align: right;">Page 16</p> <p>1 IDA TRASCHEN</p> <p>2 form of the question.</p> <p>3 Q. Is that your testimony?</p> <p>4 A. I can't testify as to what</p> <p>5 other people permitted you to do or not to</p> <p>6 do, but in terms of I did not ask you for</p> <p>7 affidavits, I did not ask you for</p> <p>8 testimony.</p> <p>9 Q. You did not question -- you did</p> <p>10 not look into the voracity of truthfulness</p> <p>11 of any of these complaints; is that right?</p> <p>12 MR. THOMPSON: Objection to</p> <p>13 form.</p> <p>14 A. That is not correct.</p> <p>15 Q. What investigation did you make</p> <p>16 into these complaints, tell me?</p> <p>17 A. Like I explained, I had a</p> <p>18 conversation with Judge Gelbstein about the</p> <p>19 specifics of the complaints.</p> <p>20 Q. What did Defendant Gelbstein</p> <p>21 tell you that he did concerning these</p> <p>22 complaints, what investigation?</p> <p>23 MR. THOMPSON: Objection,</p> <p>24 privilege. I'm going to instruct you</p> <p>25 not to answer.</p>

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<p>1 IDA TRASCHEN</p> <p>2 A. That is privileged and as I</p> <p>3 said many times, I don't remember the</p> <p>4 details of our conversation because it was</p> <p>5 five years ago.</p> <p>6 Q. Well, lets just ban an attorney</p> <p>7 from the practice of law, lets just do</p> <p>8 that.</p> <p>9 MR. THOMPSON: Objection,</p> <p>10 argumentative.</p> <p>11 MR. CAPOGROSSO: Oh, and I</p> <p>12 agree.</p> <p>13 Q. Did you allow me due process in</p> <p>14 any respect concerning of arguing and</p> <p>15 rebutting any of these complaints?</p> <p>16 MR. THOMPSON: Objection to the</p> <p>17 form.</p> <p>18 Q. Do you know what due process</p> <p>19 is, Defendant Traschen?</p> <p>20 A. Yes.</p> <p>21 Q. What is due process, what is</p> <p>22 due process?</p> <p>23 MR. THOMPSON: Objection, you</p> <p>24 can answer.</p> <p>25 A. It gives someone an opportunity</p>	<p>1 IDA TRASCHEN</p> <p>2 matter further.</p> <p>3 Q. Did you keep a copy of the</p> <p>4 videotape on May 11, 2015?</p> <p>5 MR. THOMPSON: Objection to the</p> <p>6 form of the question. You can</p> <p>7 answer.</p> <p>8 A. I don't know if there was a</p> <p>9 videotape.</p> <p>10 Q. So, you never viewed the</p> <p>11 videotape?</p> <p>12 MR. THOMPSON: Same objection.</p> <p>13 A. If there was one, I didn't view</p> <p>14 it.</p> <p>15 Q. Did you review any police</p> <p>16 reports or the work violence reports that</p> <p>17 were submitted to the --</p> <p>18 A. I -- I'm sorry, I don't recall.</p> <p>19 Q. You don't recall?</p> <p>20 A. I don't.</p> <p>21 Q. Would such reports come to your</p> <p>22 office, police reports and work violence</p> <p>23 reports?</p> <p>24 A. As in the normal course of</p> <p>25 business, no.</p>
Page 18	Page 20
<p>1 IDA TRASCHEN</p> <p>2 to -- um -- in an appropriate circumstance,</p> <p>3 make a case regarding a certain matter.</p> <p>4 But, it's such a vague question, I'm not</p> <p>5 really sure how to answer that.</p> <p>6 Q. Well, from a low level I'll</p> <p>7 tell you what it means from my standpoint</p> <p>8 and tell me if you agree. It allows a</p> <p>9 party accused to defend himself, is that</p> <p>10 due process?</p> <p>11 A. I don't really -- I think this</p> <p>12 goes beyond the scope of what I'm able to</p> <p>13 testify about.</p> <p>14 Q. Does due process allow a party</p> <p>15 to answer complaints, provide affidavits,</p> <p>16 proved evidence, provide witnesses in</p> <p>17 rebuttal, does it that allow --</p> <p>18 MR. THOMPSON: Objection to the</p> <p>19 form of question, you can answer.</p> <p>20 A. All I can say is I don't</p> <p>21 believe there was a right to a hearing in</p> <p>22 this matter or right to an opportunity to</p> <p>23 be heard. And, at this point because this</p> <p>24 was five years ago and I don't remember all</p> <p>25 the details, I really can't address the</p>	<p>1 IDA TRASCHEN</p> <p>2 Q. But, in an action like this and</p> <p>3 a complaint like this, would they have come</p> <p>4 to your office?</p> <p>5 MR. THOMPSON: Objection to the</p> <p>6 form of question, you can answer.</p> <p>7 A. Not necessarily.</p> <p>8 Q. You reviewed none of the police</p> <p>9 reports, none of the work violence reports,</p> <p>10 but you had me banned; is that fair to say?</p> <p>11 MR. THOMPSON: Objection to</p> <p>12 form, you can answer.</p> <p>13 A. No, it's not fair to say</p> <p>14 because I don't recall if I viewed them or</p> <p>15 not.</p> <p>16 Q. So, you might have reviewed</p> <p>17 them, you might not have reviewed that; is</p> <p>18 that fair to say?</p> <p>19 A. That is correct.</p> <p>20 Q. Yet you still had me banned</p> <p>21 from the practice of law in all New York</p> <p>22 TVs; that's fair to say, right?</p> <p>23 MR. THOMPSON: Object to the</p> <p>24 form, you can answer.</p> <p>25 A. That is correct, you were</p>

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<p style="text-align: right;">Page 21</p> <p>1 IDA TRASCHEN</p> <p>2 banned from practicing in all TVBs.</p> <p>3 Q. Now, as legal counsel for the</p> <p>4 Department of Motor Vehicles you had the</p> <p>5 ability to grieve me, am I right for saying</p> <p>6 that, over complaints and allegations</p> <p>7 against my conduct?</p> <p>8 A. I don't understand the</p> <p>9 question. I don't know what you mean by</p> <p>10 "grieve you".</p> <p>11 Q. Complaints to the grievance</p> <p>12 committee to the State of New York</p> <p>13 concerning my actions as an attorney?</p> <p>14 A. Are you asking me if I could</p> <p>15 file a grievance?</p> <p>16 Q. Yes.</p> <p>17 Did you have the opportunity to</p> <p>18 do that?</p> <p>19 A. I suppose I have the ability to</p> <p>20 do that.</p> <p>21 Q. You had the ability?</p> <p>22 A. Yeah.</p> <p>23 Q. Did you file such a grievance</p> <p>24 against an attorney named Eamon Teague?</p> <p>25 A. I don't recall doing so.</p>	<p style="text-align: right;">Page 23</p> <p>1 IDA TRASCHEN</p> <p>2 A. I was not.</p> <p>3 Q. Well, my office has never been</p> <p>4 grieved by the grievance committee with</p> <p>5 respect to any action I took as an attorney</p> <p>6 working with New York TVB, do you</p> <p>7 understand that?</p> <p>8 A. I understand what you're</p> <p>9 saying.</p> <p>10 MR. THOMPSON: Objection to the</p> <p>11 form of the question.</p> <p>12 Q. Did you investigate whether</p> <p>13 there were any grievances filed against my</p> <p>14 office by anyone, specifically by the DMV</p> <p>15 concerning my actions at the New York</p> <p>16 Traffic Violations Bureau?</p> <p>17 A. I don't remember if I</p> <p>18 investigated that.</p> <p>19 Q. You make no investigation to</p> <p>20 the grievance committee concerning me as an</p> <p>21 attorney, yet you had me banned, is that a</p> <p>22 fair statement?</p> <p>23 A. No, I said I don't recall if</p> <p>24 there was an investigation of your</p> <p>25 grievances.</p>
<p style="text-align: right;">Page 22</p> <p>1 IDA TRASCHEN</p> <p>2 Q. Was there a grievance filed</p> <p>3 against an attorney Eamon Teague by the</p> <p>4 DMV?</p> <p>5 A. I believe there was, but I'm</p> <p>6 not a hundred percent sure because it was</p> <p>7 several years ago.</p> <p>8 Q. Were you privy to that</p> <p>9 grievance?</p> <p>10 A. I don't recall if I read it, if</p> <p>11 there was one filed, but I mean, I have a</p> <p>12 vague recollection that there was an issue</p> <p>13 with him.</p> <p>14 Q. Now, a you didn't grieve my</p> <p>15 office in any respect, am I right in saying</p> <p>16 that?</p> <p>17 A. I'm sorry, I didn't hear the</p> <p>18 question.</p> <p>19 Q. The DMV never grieved my office</p> <p>20 before the grievance committee, am I right</p> <p>21 in saying that?</p> <p>22 A. I don't know.</p> <p>23 Q. Were you ever a party of any</p> <p>24 grievance to the grievance committee with</p> <p>25 respect to my office?</p>	<p style="text-align: right;">Page 24</p> <p>1 IDA TRASCHEN</p> <p>2 Q. So, you don't recall any of the</p> <p>3 foundation or any of the reasons for having</p> <p>4 me removed from the New York Traffic</p> <p>5 Violations Bureau?</p> <p>6 MR. THOMPSON: Objection to the</p> <p>7 form of the question. You can</p> <p>8 answer.</p> <p>9 A. That is not correct. I said</p> <p>10 because of privilege, Number 1, I'm not</p> <p>11 going to go into any details about any</p> <p>12 conversations I had with Judge Gelbstein.</p> <p>13 And Number 2, any conversations I did have</p> <p>14 with him, I only recall the details at a</p> <p>15 high level.</p> <p>16 Q. I don't know what high level</p> <p>17 means, I'm at a low level.</p> <p>18 A. I understand the general --</p> <p>19 Q. I'd like to know the specific</p> <p>20 reasons you banned me from the TVB. I want</p> <p>21 to know the specific reasons, what I did</p> <p>22 exactly, tell me what?</p> <p>23 MR. THOMPSON: Objection to the</p> <p>24 form of question. You can answer.</p> <p>25 A. I think I've already gone over</p>

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<p>1 IDA TRASCHEN</p> <p>2 this, that Judge Gelbstein and I had a</p> <p>3 conversation, he presented documentation</p> <p>4 that suggested that your behavior was</p> <p>5 threatening and belligerent and that staff</p> <p>6 felt threatened and there was -- I know</p> <p>7 there as an incident involving the security</p> <p>8 guard. Beyond that, as I have said this</p> <p>9 was five years ago and I don't remember the</p> <p>10 details of that documentation.</p> <p>11 Q. But that ban still remains in</p> <p>12 effect, right?</p> <p>13 A. That is correct.</p> <p>14 Q. You're acting as a</p> <p>15 representative of the State while you</p> <p>16 worked at the DMV?</p> <p>17 MR. THOMPSON: Objection to the</p> <p>18 form of the question. You can</p> <p>19 answer.</p> <p>20 A. I was acting as first assistant</p> <p>21 counsel to the Department of Motor</p> <p>22 Vehicles.</p> <p>23 Q. Were you agent of the State?</p> <p>24 MR. THOMPSON: Objection to the</p> <p>25 form of the question. You can</p>	<p>1 IDA TRASCHEN</p> <p>2 having any other conversations with you on</p> <p>3 the phone nor do I recall responding to</p> <p>4 anything in writing.</p> <p>5 Q. You didn't respond to me</p> <p>6 because you never picked up the phone,</p> <p>7 right. I made many calls to your office</p> <p>8 and your secretary refused to let them go</p> <p>9 through; is that fair?</p> <p>10 MR. THOMPSON: Objection to the</p> <p>11 form of the question. You can</p> <p>12 answer.</p> <p>13 A. All I can tell you is I only</p> <p>14 had the one conversation with you. I don't</p> <p>15 recall having any further conversations</p> <p>16 with you on the phone.</p> <p>17 Q. And that was a very short</p> <p>18 conversation on the morning of May 11, 2015</p> <p>19 where you told me I was banned from the</p> <p>20 practice of law at all New York TVBs;</p> <p>21 right?</p> <p>22 MR. THOMPSON: Objection as to</p> <p>23 form.</p> <p>24 A. I don't recall the length of</p> <p>25 the phone call. I don't recall the date of</p>
Page 26	Page 28
<p>1 IDA TRASCHEN</p> <p>2 answer.</p> <p>3 A. Well, that's a legal question</p> <p>4 which I'm not prepared to answer.</p> <p>5 Q. Who paid your salary?</p> <p>6 A. I paid my salary. I don't know</p> <p>7 where the funds came from. I don't know if</p> <p>8 it was from the Department's funds or from</p> <p>9 the general fund of the State.</p> <p>10 Q. It's either the Department of</p> <p>11 Motor Vehicles or New York State, would</p> <p>12 that be fair to say?</p> <p>13 A. That would be fair to say.</p> <p>14 Q. Did you respond to any of my</p> <p>15 phone calls or letters to your office</p> <p>16 concerning my removal that you removed me</p> <p>17 from the New York Traffic Violations Bureau</p> <p>18 on May 11th?</p> <p>19 MR. THOMPSON: Objection to the</p> <p>20 form of the question. You can</p> <p>21 answer.</p> <p>22 Q. Did you respond to any of my</p> <p>23 phone calls or letters?</p> <p>24 A. I do recall having one phone</p> <p>25 conversation with you. I do not recall</p>	<p>1 IDA TRASCHEN</p> <p>2 the phone call, but you are correct that I</p> <p>3 did confirm that you were banned from</p> <p>4 practicing at TVBs.</p> <p>5 Q. There was a letter written on</p> <p>6 March 20, 2015 to Attorney General</p> <p>7 Pricket-Morgan Exhibit 15.</p> <p>8 (Whereupon, Plaintiff's Exhibit</p> <p>9 15, previously marked, was</p> <p>10 introduced.)</p> <p>11 Q. Are you familiar with this</p> <p>12 letter?</p> <p>13 A. Let me just take a moment to</p> <p>14 read it, please.</p> <p>15 Q. Are you familiar with this</p> <p>16 letter?</p> <p>17 A. I do remember a letter from</p> <p>18 Pricket-Morgan that she shared with me.</p> <p>19 Reading it now, I mean...</p> <p>20 Q. When did she share it with you?</p> <p>21 A. I don't know the exact date.</p> <p>22 My understanding -- I'm sorry, go ahead.</p> <p>23 Q. Was it before the incident of</p> <p>24 May 11, 2015 and my ban or afterwards?</p> <p>25 A. I believe it was before.</p>

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<p style="text-align: right;">Page 29</p> <p>1 IDA TRASCHEN</p> <p>2 Q. How far before?</p> <p>3 A. I don't recall.</p> <p>4 Q. You don't?</p> <p>5 A. No.</p> <p>6 Q. Did you take any action in</p> <p>7 response to this letter; did you do</p> <p>8 anything in response to this reminder?</p> <p>9 A. I don't remember if I did</p> <p>10 anything.</p> <p>11 Q. Now, I'm making complaints</p> <p>12 against your security guard at the Brooklyn</p> <p>13 TVB, Defendant Smart and the administrative</p> <p>14 law judge, Defendant Gelbstein.</p> <p>15 A. Uh-hmm.</p> <p>16 Q. That Defendant Smart was</p> <p>17 harassing, threatening me, verbally,</p> <p>18 physically. I complained to Defendant</p> <p>19 Gelbstein and he laughed and giggled and</p> <p>20 told me "a spade is a spade."</p> <p>21 Now, you took no action in</p> <p>22 response to any of these complaints either</p> <p>23 against Defendant Smart or Defendant</p> <p>24 Gelbstein?</p> <p>25 A. I don't recall if I took any</p>	<p style="text-align: right;">Page 31</p> <p>1 IDA TRASCHEN</p> <p>2 A. As I said, I don't recall.</p> <p>3 Q. Did you make any calls to my</p> <p>4 office or to me personally to rectify these</p> <p>5 complaints?</p> <p>6 A. I don't recall.</p> <p>7 Q. And you made no calls or no</p> <p>8 correspondence to my office concerning any</p> <p>9 of the complaints that were written against</p> <p>10 me, that's true too; right?</p> <p>11 MR. THOMPSON: Objection to the</p> <p>12 form.</p> <p>13 A. I don't recall if I wrote</p> <p>14 anything to you or your office.</p> <p>15 Q. Did you give me any opportunity</p> <p>16 to respond to any of the complaints or</p> <p>17 affidavits written against me?</p> <p>18 A. Are we talking about the</p> <p>19 letters still or something else?</p> <p>20 Q. Any of the complaints written</p> <p>21 by -- concerning my office while I was</p> <p>22 practicing law at the New York TVB?</p> <p>23 MR. THOMPSON: Objection to the</p> <p>24 form, you can answer.</p> <p>25 Q. Did you respond to any of the</p>
<p style="text-align: right;">Page 30</p> <p>1 IDA TRASCHEN</p> <p>2 action.</p> <p>3 MR. THOMPSON: Objection to the</p> <p>4 form of the question.</p> <p>5 Q. Did you take any action?</p> <p>6 A. I don't recall if I took any</p> <p>7 action.</p> <p>8 Q. But you swept my complaint</p> <p>9 under the rug, this complaint you swept</p> <p>10 under the rug, is that --</p> <p>11 MR. THOMPSON: Objection to the</p> <p>12 form of question. And Mr. Capogrosso</p> <p>13 there's no need to yell.</p> <p>14 Q. Did you sweep it under the rug?</p> <p>15 A. No. I don't recall if I took</p> <p>16 any action.</p> <p>17 Q. Why didn't you take any action?</p> <p>18 A. I said I don't recall if I took</p> <p>19 any action.</p> <p>20 Q. But you don't recall the action</p> <p>21 that you might have taken?</p> <p>22 A. That is correct.</p> <p>23 Q. Did you investigate any of the</p> <p>24 complaints that I made either against</p> <p>25 Defendant Smart or Defendant Gelbstein?</p>	<p style="text-align: right;">Page 32</p> <p>1 IDA TRASCHEN</p> <p>2 complaints against me?</p> <p>3 A. As I said, other than my phone</p> <p>4 conversation with you, I don't recall any</p> <p>5 other action on my part.</p> <p>6 Q. So, you just assumed all these</p> <p>7 allegations and complaints are true, right,</p> <p>8 is that what you're saying?</p> <p>9 MR. THOMPSON: Objection to the</p> <p>10 form.</p> <p>11 A. No.</p> <p>12 Q. So, what investigation did you</p> <p>13 do?</p> <p>14 A. Well, as I've explained, this</p> <p>15 is five years ago. I don't remember all</p> <p>16 the details, I do recall reviewing</p> <p>17 documentation that Judge Gelbstein sent to</p> <p>18 me and I do recall a conversation regarding</p> <p>19 the documentation.</p> <p>20 Q. Were you personally involved in</p> <p>21 the removal of me from the practice of law</p> <p>22 at the New York Traffic Violations Bureau</p> <p>23 in May of 2015?</p> <p>24 A. Can you just clarify what you</p> <p>25 mean personally involved?</p>

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<p>1 IDA TRASCHEN</p> <p>2 Q. Did you personally ban me from</p> <p>3 the practice of law at the New York Traffic</p> <p>4 Violation Bureau?</p> <p>5 A. I was involved in the decision.</p> <p>6 There was Judge Gelbstein and I were</p> <p>7 involved and there may have been other</p> <p>8 people, but I don't recall if there were</p> <p>9 any other people involved.</p> <p>10 Q. Who else was involved in this</p> <p>11 decision?</p> <p>12 A. No, I said I don't recall if</p> <p>13 other people were involved.</p> <p>14 Q. But, you made -- I was told to</p> <p>15 call you and you're the one who told me</p> <p>16 that you're banned from the practice of</p> <p>17 law; right?</p> <p>18 A. I did tell you that during our</p> <p>19 phone conversation.</p> <p>20 Q. But there might have been other</p> <p>21 people involved and you don't recall who?</p> <p>22 MR. THOMPSON: Objection, asked</p> <p>23 and answered.</p> <p>24 A. That's correct.</p> <p>25 Q. But you did have a conversation</p>	<p>1 IDA TRASCHEN</p> <p>2 form of the question.</p> <p>3 A. I don't recall if I had a</p> <p>4 conversation with someone on that day.</p> <p>5 Q. Well, what made you on that</p> <p>6 day, that specific day May 11, 2015, to ban</p> <p>7 me from the practice of law?</p> <p>8 MR. THOMPSON: Objection to the</p> <p>9 form of the question.</p> <p>10 A. I don't recall -- like I said,</p> <p>11 I didn't recall if that was the date you</p> <p>12 were banned.</p> <p>13 Q. That was the date I was banned.</p> <p>14 A. Okay, fine. But, I don't</p> <p>15 recall why that date was chosen.</p> <p>16 Q. And you recall having no</p> <p>17 conversations with anybody at the Brooklyn</p> <p>18 TVB on that day?</p> <p>19 A. I don't know if I had</p> <p>20 conversations with anyone on that date. I</p> <p>21 don't recall if I had conversations with</p> <p>22 anyone from the Brooklyn TVB on that date.</p> <p>23 Q. You woke up out of bed and said</p> <p>24 to yourself let me ban Mr. Capogrosso from</p> <p>25 the practice of law and all New York TVBs,</p>
Page 34	Page 36
<p>1 IDA TRASCHEN</p> <p>2 with Judge Gelbstein prior to you banning</p> <p>3 me?</p> <p>4 A. That is correct.</p> <p>5 Q. And Judge Gelbstein, as you</p> <p>6 know, was not in the Brooklyn TVB on the</p> <p>7 morning of May 11, 2015?</p> <p>8 MR. THOMPSON: Objection to the</p> <p>9 form of question.</p> <p>10 Q. Do you know that?</p> <p>11 A. I did not know that.</p> <p>12 Q. But, you received a call from</p> <p>13 whom on the morning of May 11, 2015; who</p> <p>14 did you receive a phone call from?</p> <p>15 A. I don't remember the date</p> <p>16 May 11, 2015.</p> <p>17 Q. Did you get a phone call from</p> <p>18 Defendant Danielle Calvo on the morning</p> <p>19 May 11, 2015?</p> <p>20 A. I don't recall a conversation</p> <p>21 with her.</p> <p>22 Q. Well, somebody called you on</p> <p>23 the morning of May 11, 2015, and you don't</p> <p>24 recall who?</p> <p>25 MR. THOMPSON: Objection to the</p>	<p>1 IDA TRASCHEN</p> <p>2 is that what happened?</p> <p>3 MR. THOMPSON: Mr. Capogrosso,</p> <p>4 you've asked her questions and she</p> <p>5 answered it. You're asking the same</p> <p>6 question over and over again.</p> <p>7 Q. I'm trying to find out, what</p> <p>8 made you make the phone call on May 11,</p> <p>9 2015; what made you make me have Danielle</p> <p>10 Calvo tell me to call you on May 11, 2015?</p> <p>11 A. I don't recall.</p> <p>12 Q. So, Danielle Calvo did that on</p> <p>13 her own volition is that what you're</p> <p>14 saying?</p> <p>15 A. No.</p> <p>16 Q. Did you have supervisory</p> <p>17 authority over the personnel in the</p> <p>18 Brooklyn TVB?</p> <p>19 MR. THOMPSON: Object to the</p> <p>20 form of question, you can answer.</p> <p>21 A. Yes, I did.</p> <p>22 Q. You had control over the</p> <p>23 actions of Defendant Smart, is that fair?</p> <p>24 MR. THOMPSON: Objection to the</p> <p>25 form of the question. You can</p>

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<p style="text-align: right;">Page 37</p> <p>1 IDA TRASCHEN</p> <p>2 answer.</p> <p>3 A. No. First of all, I don't know</p> <p>4 if -- I did not have any authority over</p> <p>5 security guards in any of our offices.</p> <p>6 Q. Did you have authority over the</p> <p>7 actions of Defendant Gelbstein or Defendant</p> <p>8 Calvo?</p> <p>9 MR. THOMPSON: Objection to the</p> <p>10 form. You can answer.</p> <p>11 A. I'm not actually sure what you</p> <p>12 mean by -- can you just repeat your</p> <p>13 question again.</p> <p>14 Q. Did you have supervisory</p> <p>15 authority over the actions of Defendant</p> <p>16 Gelbstein?</p> <p>17 A. Well, I was their supervisor.</p> <p>18 Q. And you were the supervisor of</p> <p>19 Defendant Calvo also, am I right in saying</p> <p>20 that?</p> <p>21 A. Well, I mean, there's chains</p> <p>22 involved here. So, there's people between</p> <p>23 me and those people, but I mean, they did</p> <p>24 ultimately report up a chain to me.</p> <p>25 Q. Did you have supervisory</p>	<p style="text-align: right;">Page 39</p> <p>1 IDA TRASCHEN</p> <p>2 Q. Did you have me banned from the</p> <p>3 practice of law in al New York TVB, all</p> <p>4 New York TVBs, because I wrote this letter</p> <p>5 of March 20, 2015; did you have me banned?</p> <p>6 A. No, that is not correct.</p> <p>7 Q. You didn't?</p> <p>8 A. That is not correct.</p> <p>9 Q. Did you take offense that I</p> <p>10 called one of your judges incapable,</p> <p>11 incompetent and complicit, did you take</p> <p>12 offense?</p> <p>13 A. No.</p> <p>14 Q. But, you didn't look into the</p> <p>15 voracity of that complaint now, did you?</p> <p>16 A. I don't recall what I did with</p> <p>17 -- in response to that letter that you sent</p> <p>18 to Ms. Pricket-Morgan.</p> <p>19 Q. And you don't recall when you</p> <p>20 received it.</p> <p>21 Did you have Defendant Smart</p> <p>22 approach me on the morning of May 11, 2015</p> <p>23 and initiate this incident?</p> <p>24 A. No.</p> <p>25 Q. Do you have any reason as to</p>
<p style="text-align: right;">Page 38</p> <p>1 IDA TRASCHEN</p> <p>2 authority over the actions of Bushra</p> <p>3 Vahdat?</p> <p>4 A. Yes.</p> <p>5 Q. Did you review any of the</p> <p>6 allegations that Bushra Vahdat wrote</p> <p>7 against me as to whether they were credible</p> <p>8 or not?</p> <p>9 A. I don't recall if that -- I</p> <p>10 don't recall that.</p> <p>11 Q. Did you have actual</p> <p>12 constructive notice of any of the</p> <p>13 complaints that I made against Defendant</p> <p>14 Smart?</p> <p>15 MR. THOMPSON: Objection to the</p> <p>16 form of the question. Calls for a</p> <p>17 legal conclusion.</p> <p>18 Q. Did you have notice if any of</p> <p>19 the complaints that were made against</p> <p>20 Defendant Smart?</p> <p>21 A. I don't know.</p> <p>22 Q. Did you take adverse action</p> <p>23 against my office because of --</p> <p>24 MR. THOMPSON: Objection to the</p> <p>25 form of the question.</p>	<p style="text-align: right;">Page 40</p> <p>1 IDA TRASCHEN</p> <p>2 why Defendant Smart approached me on the</p> <p>3 morning of May 11, 2015 and initiated this</p> <p>4 incident?</p> <p>5 MR. THOMPSON: Objection to the</p> <p>6 form. You can answer.</p> <p>7 A. No.</p> <p>8 Q. Do you know that I told</p> <p>9 Defendant Smart to "back up, back up," were</p> <p>10 you privy to that?</p> <p>11 MR. THOMPSON: Same objection,</p> <p>12 you can answer.</p> <p>13 A. I don't know -- I don't know if</p> <p>14 I was privy to that.</p> <p>15 Q. So, you were privy to none of</p> <p>16 the circumstances concerning the events of</p> <p>17 May 11, 2015?</p> <p>18 A. No. I'm saying that I don't</p> <p>19 recall what I knew at that time because it</p> <p>20 was five years ago.</p> <p>21 MR. THOMPSON: While there's a</p> <p>22 pause, it's 12:59 and Ms. Calvo is</p> <p>23 available when you're ready.</p> <p>24 MR. CAPOGROSSO: I got to get a</p> <p>25 few more out and I'll keep it -- I</p>

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<p style="text-align: right;">Page 41</p> <p>1 IDA TRASCHEN</p> <p>2 just need 15 more minutes. I told</p> <p>3 you 2:00. I need 15 more minutes</p> <p>4 because we had the problem with my</p> <p>5 computer. I just need it.</p> <p>6 MR. THOMPSON: So, if you take</p> <p>7 another 15 more minutes and if we do</p> <p>8 another five minute break, is it okay</p> <p>9 if I tell Ms. Calvo 1:20?</p> <p>10 MR. CAPOGROSSO: Yes.</p> <p>11 MR. THOMPSON: Great, I'll tell</p> <p>12 her that.</p> <p>13 Q. Now, I've stated in my</p> <p>14 complaint that Defendant Gelbstein</p> <p>15 approached me on the afternoon of May 8th</p> <p>16 with letter in hand stating that -- you</p> <p>17 read the letter that you have before you.</p> <p>18 You read it and it says, "can't you go</p> <p>19 practice somewhere else. I saw what you</p> <p>20 wrote about me that you're complicit,</p> <p>21 incapable and incompetent."</p> <p>22 Are you aware of the fact that</p> <p>23 Defendant Gelbstein approached me on the</p> <p>24 afternoon of May 8th and said that to me,</p> <p>25 are you aware of that?</p>	<p style="text-align: right;">Page 43</p> <p>1 IDA TRASCHEN</p> <p>2 Q. By what authority did you have</p> <p>3 me removed?</p> <p>4 A. Well, as I recall on the</p> <p>5 previous litigation that we were involved,</p> <p>6 the Article 78?</p> <p>7 Q. I'm talking right here, by what</p> <p>8 authority did you have --</p> <p>9 A. I know.</p> <p>10 MR. THOMPSON: Let her answer</p> <p>11 the question.</p> <p>12 A. Let me just explain. I mean</p> <p>13 there was a letter which I don't have in</p> <p>14 front of me, but the tenure of which was</p> <p>15 the DMV retained the right to remove you in</p> <p>16 the future if you acted inappropriately.</p> <p>17 And based upon the</p> <p>18 conversations and documentation I had with</p> <p>19 Judge Gelbstein I concluded that it was</p> <p>20 appropriate to prohibit you from practicing</p> <p>21 in TVB.</p> <p>22 Q. Did I ever sign a stipulation</p> <p>23 with your office?</p> <p>24 A. For the Article 78?</p> <p>25 Q. Did I ever sign any</p>
<p style="text-align: right;">Page 42</p> <p>1 IDA TRASCHEN</p> <p>2 A. No.</p> <p>3 Q. Did you question him concerning</p> <p>4 any statements that he might have had with</p> <p>5 respect to that letter and my office?</p> <p>6 A. I don't recall if I discussed</p> <p>7 the letter with Judge Gelbstein.</p> <p>8 Q. Did you act in retaliation for</p> <p>9 me writing that letter and having me</p> <p>10 removed from the New York Traffic Violation</p> <p>11 Bureau?</p> <p>12 A. No.</p> <p>13 Q. Did you believe you acted</p> <p>14 lawfully when you had me moved from the</p> <p>15 practice of law from the New York Traffic</p> <p>16 Violation Bureau?</p> <p>17 A. Yes.</p> <p>18 Q. Under what statute or authority</p> <p>19 did you act in having me removed?</p> <p>20 MR. THOMPSON: Objection, calls</p> <p>21 for a legal conclusion. You can</p> <p>22 answer.</p> <p>23 A. Well, there is no statute that</p> <p>24 I'm aware of. I'm sorry, do you need to</p> <p>25 ask me something?</p>	<p style="text-align: right;">Page 44</p> <p>1 IDA TRASCHEN</p> <p>2 stipulation; did I agree to any terms, in</p> <p>3 fact, in coming back to the TVB to practice</p> <p>4 law, did I ever sign a stipulation?</p> <p>5 A. I don't recall. I honestly</p> <p>6 don't recall.</p> <p>7 Q. Chris McDonough, my attorney</p> <p>8 ever sign a stipulation with respect to the</p> <p>9 terms of me coming back to the practice of</p> <p>10 law at the TVB?</p> <p>11 A. I don't recall.</p> <p>12 Q. This was a letter in fact that</p> <p>13 was imposed upon me after I agreed to take</p> <p>14 an anger management course that did not</p> <p>15 bear my signature.</p> <p>16 Is that a fair statement?</p> <p>17 MR. THOMPSON: Object to the</p> <p>18 form of the question. You can</p> <p>19 answer?</p> <p>20 A. What is the question?</p> <p>21 Q. That was a letter that you</p> <p>22 wrote to my office, after we had already</p> <p>23 agreed that I was to be allowed back to the</p> <p>24 practice of law in the TVB; right?</p> <p>25 A. I don't believe I wrote the</p>

11 (Pages 41 to 44)

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<p style="text-align: right;">Page 45</p> <p>1 IDA TRASCHEN</p> <p>2 letter. You mean, the attorney general's</p> <p>3 office?</p> <p>4 Q. Well, that's the letter you're</p> <p>5 referring to; right?</p> <p>6 A. I want to make sure we are</p> <p>7 talking about the correct letter.</p> <p>8 Q. Let me get it for you. Let me</p> <p>9 see if I can find it.</p> <p>10 Is was a letter that was</p> <p>11 written by your office; right?</p> <p>12 A. I believe the attorney</p> <p>13 general's office sent a letter.</p> <p>14 Q. And it doesn't bear my</p> <p>15 signature any way, does it not?</p> <p>16 A. I don't have the letter in</p> <p>17 front of me.</p> <p>18 Q. Can we look at Exhibit 11.</p> <p>19 (Whereupon, Plaintiff's Exhibit</p> <p>20 11, previously marked, was</p> <p>21 introduced.)</p> <p>22 Q. Does this letter bear my</p> <p>23 signature any place?</p> <p>24 A. No.</p> <p>25 Q. It does not.</p>	<p style="text-align: right;">Page 47</p> <p>1 IDA TRASCHEN</p> <p>2 were used?</p> <p>3 A. I don't recall.</p> <p>4 Q. And you don't recall the</p> <p>5 threatening conduct either; right?</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 A. No, I don't.</p> <p>8 Q. But, you do recall the letter</p> <p>9 of March 20, 2015 where I the judge</p> <p>10 complicit, incapable and incompetent. That</p> <p>11 I didn't want an incident because of this</p> <p>12 letter, that I didn't want one. And I was</p> <p>13 praying for relief.</p> <p>14 You do recall that letter?</p> <p>15 MR. THOMPSON: Objection to the</p> <p>16 form of the question. You can</p> <p>17 answer.</p> <p>18 A. Are you talking about the</p> <p>19 Pricket-Morgan letter?</p> <p>20 Q. The letter to Pricket-Morgan on</p> <p>21 March 20th, you recall that letter, don't</p> <p>22 you?</p> <p>23 A. I remember her getting that</p> <p>24 letter. Until I just reviewed it now, I</p> <p>25 didn't remember all the specifics of</p>
<p style="text-align: right;">Page 46</p> <p>1 IDA TRASCHEN</p> <p>2 Is this the letter you're</p> <p>3 referring to though?</p> <p>4 A. Yes.</p> <p>5 Q. Can you tell me what verbal</p> <p>6 threats of physical violence I made after</p> <p>7 the issuance of that letter, can you please</p> <p>8 tell me?</p> <p>9 A. Well, as I said many times, I</p> <p>10 don't remember the specifics of my</p> <p>11 conversation with Judge Gelbstein, but I do</p> <p>12 recall after reviewing the documentation he</p> <p>13 sent me and our conversation, that I</p> <p>14 believe that it warranted permanently</p> <p>15 barring you from practice.</p> <p>16 Q. So, you can't tell me what the</p> <p>17 verbal abuse was, can you tell me that?</p> <p>18 A. No, because as I have said many</p> <p>19 times, I don't recall the specifics of our</p> <p>20 conversation.</p> <p>21 Q. And you don't recall the ethnic</p> <p>22 slurs?</p> <p>23 MR. THOMPSON: Objection, asked</p> <p>24 and answered.</p> <p>25 Q. You know the ethnic slurs that</p>	<p style="text-align: right;">Page 48</p> <p>1 IDA TRASCHEN</p> <p>2 letter.</p> <p>3 Q. Well, you do recall receiving</p> <p>4 it; right?</p> <p>5 A. I remember her forwarding it to</p> <p>6 me.</p> <p>7 Q. And I'm praying for relief,</p> <p>8 please, I don't want an incident at the</p> <p>9 Brooklyn TVB because I don't want it be</p> <p>10 banned and I'm asking for relief.</p> <p>11 And what did you do in response</p> <p>12 to that letter?</p> <p>13 MR. THOMPSON: Objection.</p> <p>14 A. As I said many times, I don't</p> <p>15 recall what I did, if anything, in response</p> <p>16 to that letter to Ms. Pricket-Morgan.</p> <p>17 Q. And you're saying that you did</p> <p>18 not have a conversation with Defendant</p> <p>19 Smart and Defendant Gelbstein to have</p> <p>20 Defendant Smart approach me on the morning</p> <p>21 of May 11th and initiate this incident and</p> <p>22 this altercation?</p> <p>23 MR. THOMPSON: Objection to</p> <p>24 form, you can answer.</p> <p>25 A. I don't recall any conversation</p>

12 (Pages 45 to 48)

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<p style="text-align: right;">Page 49</p> <p>1 IDA TRASCHEN</p> <p>2 with Mr. Smart. I did have a conversation</p> <p>3 with Judge Gelbstein, but I do not recall</p> <p>4 the date of that conversation.</p> <p>5 Q. Did you investigate any of the</p> <p>6 complaints I made against Defendant Smart?</p> <p>7 MR. THOMPSON: Objection, asked</p> <p>8 and answered.</p> <p>9 Q. Let me go into specifics. I</p> <p>10 made a complaint against Defendant Smart in</p> <p>11 June of 2012 when I was readmitted into the</p> <p>12 Brooklyn TVB that he pushed me from behind,</p> <p>13 assaulted me from behind.</p> <p>14 Were you privy to that threat</p> <p>15 and that assault and that complaint?</p> <p>16 A. I don't recall.</p> <p>17 Q. Did you take any action in</p> <p>18 response to it?</p> <p>19 A. I don't recall.</p> <p>20 Q. In December of 2015 Defendant</p> <p>21 Smart stood up, pointed directly at me with</p> <p>22 a spar hand. I don't know if you know what</p> <p>23 a spear hand is, but I do and gave me the</p> <p>24 sign of the cross and I complained to Judge</p> <p>25 Gelbstein.</p>	<p style="text-align: right;">Page 51</p> <p>1 IDA TRASCHEN</p> <p>2 Q. I complained of Defendant Smart</p> <p>3 stealing \$80 on \$150 fee. At some time</p> <p>4 between December 2011 and June 2012 and I</p> <p>5 reported this to Defendant Gelbstein and an</p> <p>6 investigation was made.</p> <p>7 Were you privy to the</p> <p>8 investigation that was made with respect to</p> <p>9 that theft?</p> <p>10 A. I don't recall.</p> <p>11 MR. THOMPSON: Objection to the</p> <p>12 form. You can answer.</p> <p>13 Q. Did you take any action with</p> <p>14 respect to that complaint?</p> <p>15 A. I don't recall.</p> <p>16 Q. But after that complaint</p> <p>17 Defendant Smart continued to work at the</p> <p>18 Brooklyn TVB; right?</p> <p>19 A. I'm not aware of the terms and</p> <p>20 condition and when he was employed at TVB.</p> <p>21 Q. I also complained of the</p> <p>22 actions of Defendant Gelbstein. That he</p> <p>23 has weekly meetings at least sometimes</p> <p>24 routine meetings with Jewish ticker brokers</p> <p>25 in the Brooklyn TVB.</p>
<p style="text-align: right;">Page 50</p> <p>1 IDA TRASCHEN</p> <p>2 Were you aware of that</p> <p>3 complaint?</p> <p>4 A. I don't recall.</p> <p>5 Q. Did you take any action in</p> <p>6 response to that complaint?</p> <p>7 A. I don't recall.</p> <p>8 Q. On numerous occasions Defendant</p> <p>9 Smart would get in my face, within three</p> <p>10 inches of my face and I'd ask him what the</p> <p>11 problem was and I filed complaints with</p> <p>12 Defendant Gelbstein concerning this. And I</p> <p>13 asked him what the problem was and he said,</p> <p>14 "fuck you, you are the problem."</p> <p>15 Did you receive any complaints</p> <p>16 with respect do that?</p> <p>17 A. With respect to what?</p> <p>18 Q. Defendant Smart getting within</p> <p>19 a couple of inches of my face and when I</p> <p>20 asked him what the problem was his response</p> <p>21 was, "fuck you, you are the problem."</p> <p>22 Did you --</p> <p>23 MR. THOMPSON: Objection to the</p> <p>24 form.</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 52</p> <p>1 IDA TRASCHEN</p> <p>2 Were you privy to any of those</p> <p>3 complaints?</p> <p>4 A. I'm sorry, I didn't hear you.</p> <p>5 You said he had weekly meetings with whom?</p> <p>6 Q. Ticket brokers, Jewish ticket</p> <p>7 brokers in his office. Were you aware of</p> <p>8 any of those complaints?</p> <p>9 A. No. I don't recall -- I don't</p> <p>10 recall such complaints.</p> <p>11 Q. You know I made a complaint</p> <p>12 about Defendant Gelbstein that he was</p> <p>13 pleading motorists guilty in the GE general</p> <p>14 requirements room with ALJ Bohmstein and</p> <p>15 rescheduling cases for motorists.</p> <p>16 Were you aware of that</p> <p>17 complaint?</p> <p>18 A. I don't recall that complaint.</p> <p>19 Q. Do you know about the complaint</p> <p>20 that I made another attorney was covering</p> <p>21 cases ALJ -- for Defendant Gelbstein,</p> <p>22 covering cases?</p> <p>23 A. I don't recall that. I didn't</p> <p>24 understand, I couldn't hear that.</p> <p>25 Q. Defendant Gelbstein, an</p>

13 (Pages 49 to 52)

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<p>1 IDA TRASCHEN</p> <p>2 attorney was covering cases for him. That</p> <p>3 I had conflict with another attorney and</p> <p>4 that attorney told me he was covering cases</p> <p>5 for Gelbstein.</p> <p>6 Are you familiar with that</p> <p>7 complaint?</p> <p>8 A. I don't recall that.</p> <p>9 Q. Are you familiar with the</p> <p>10 complaint that I made against Defendant</p> <p>11 Gelbstein, that when I complained about the</p> <p>12 actions of Defendant Smart that he laughed</p> <p>13 and giggled and told me "a spade's a</p> <p>14 spade," are you familiar with that</p> <p>15 complaint?</p> <p>16 A. I'm not familiar with that</p> <p>17 complaint other than what I just read today</p> <p>18 in your letter to Ms. Pricket-Morgan.</p> <p>19 Q. So, you're familiar with that</p> <p>20 complaint?</p> <p>21 A. Well, no, I just read it today.</p> <p>22 MR. THOMPSON: Objection.</p> <p>23 Q. Prior to May 11, 2015?</p> <p>24 A. Sir, could you repeat that,</p> <p>25 please?</p>	<p>1 IDA TRASCHEN</p> <p>2 Q. Did you have Defendant Calvo</p> <p>3 tell me to call you and give her your phone</p> <p>4 number so I could call you on the morning</p> <p>5 of May 11, 2015?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you exhibit -- did you have</p> <p>8 an indifference or callousness to my</p> <p>9 complaint?</p> <p>10 MR. THOMPSON: Objection to the</p> <p>11 form of the question.</p> <p>12 Q. Are you callous to my</p> <p>13 complaints?</p> <p>14 MR. THOMPSON: Same objection.</p> <p>15 A. No.</p> <p>16 Q. Were you indifferent to my</p> <p>17 complaints?</p> <p>18 A. No.</p> <p>19 MR. THOMPSON: Same objection.</p> <p>20 Q. But you took no action with</p> <p>21 respect to my complaints; right?</p> <p>22 A. As I said I don't recall if I</p> <p>23 took action with respect to any of the</p> <p>24 complaints that you have just set forth.</p> <p>25 Q. By removing me from the</p>
Page 54	Page 56
<p>1 IDA TRASCHEN</p> <p>2 Q. You had that letter prior to</p> <p>3 May 11, 2015; right?</p> <p>4 A. Yes.</p> <p>5 Q. So, you weren't privy to that</p> <p>6 complaint; right?</p> <p>7 MR. THOMPSON: Objection to the</p> <p>8 form of the question. You can</p> <p>9 answer.</p> <p>10 A. I'm sorry, did you ask was I</p> <p>11 privy to that complaint?</p> <p>12 Q. You were knowledgeable of that</p> <p>13 complaint; right?</p> <p>14 A. I did see that letter, yes.</p> <p>15 Q. And you took no action and</p> <p>16 response; right?</p> <p>17 A. I don't recall if I took any</p> <p>18 action.</p> <p>19 MR. THOMPSON: Objection.</p> <p>20 Q. Did you order Defendant</p> <p>21 Gelbstein on the morning of Ma 11, 2015 to</p> <p>22 tell Danielle Calvo to go to the police</p> <p>23 room in the Brooklyn TVB and have me</p> <p>24 removed?</p> <p>25 A. I don't recall.</p>	<p>1 IDA TRASCHEN</p> <p>2 practice of law in the New York TVB, were</p> <p>3 you chilling my first amendment right to</p> <p>4 freedom of speech, is that what you were</p> <p>5 doing?</p> <p>6 MR. THOMPSON: Objection, calls</p> <p>7 for a legal conclusion.</p> <p>8 Q. Were attempting to prevent me</p> <p>9 from exercising my right of freedom of</p> <p>10 speech by having me removed?</p> <p>11 MR. THOMPSON: Same objection,</p> <p>12 you can answer.</p> <p>13 A. No.</p> <p>14 Q. I might have asked this, but</p> <p>15 I'm going to ask it again.</p> <p>16 Were you mad or upset</p> <p>17 concerning the contents of a letter of</p> <p>18 March 20, 2015, were you mad?</p> <p>19 A. No.</p> <p>20 Q. Did you have animus towards me?</p> <p>21 A. No.</p> <p>22 Q. You didn't care that I called</p> <p>23 your judge -- one of your judges complicit,</p> <p>24 incapable or incompetent or said that he</p> <p>25 laughed and giggled when I complained of</p>

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<p style="text-align: right;">Page 57</p> <p>1 IDA TRASCHEN</p> <p>2 Defendant Smart and said "a spade was a</p> <p>3 spade," you had no animus towards me for</p> <p>4 writing that?</p> <p>5 MR. THOMPSON: Objection, asked</p> <p>6 and answered. You can answer.</p> <p>7 A. No.</p> <p>8 Q. Did you receive my letters of</p> <p>9 complaint to your office?</p> <p>10 A. I can't answer that, it's too</p> <p>11 many years ago.</p> <p>12 Q. Did you file any response in</p> <p>13 respect to my complaints and my letter; did</p> <p>14 you file any response, did you give me a</p> <p>15 response to my letters?</p> <p>16 A. I don't recall.</p> <p>17 MR. THOMPSON: Object to the</p> <p>18 form.</p> <p>19 Q. And you were personally</p> <p>20 involved in my removal from the practice of</p> <p>21 law at the New York TVB, I might have asked</p> <p>22 that, but I'll ask it again; you were</p> <p>23 personally involved; right?</p> <p>24 A. Yes.</p> <p>25 Q. And you said you had the</p>	<p style="text-align: right;">Page 59</p> <p>1 IDA TRASCHEN</p> <p>2 me?</p> <p>3 A. I don't recall.</p> <p>4 Q. You don't recall receiving any</p> <p>5 affidavits from me in reply.</p> <p>6 Was I served with any</p> <p>7 affidavits or complaints to my office by</p> <p>8 you to which I could reply?</p> <p>9 A. I don't recall.</p> <p>10 Q. Did you allow me to present</p> <p>11 witnesses or evidence in response to any of</p> <p>12 the affidavits or complaints written</p> <p>13 against my office of misconduct?</p> <p>14 A. I don't know what Judge</p> <p>15 Gelbstein did or did not do regarding that,</p> <p>16 I did not. I did not.</p> <p>17 Q. You did not.</p> <p>18 You didn't allow me to present</p> <p>19 any evidence or witnesses or state my --</p> <p>20 state what -- I'll withdraw that.</p> <p>21 Let me take you to Exhibit 7.</p> <p>22 Could we go to Exhibit 7 real quick.</p> <p>23 (Whereupon, Plaintiff's Exhibit</p> <p>24 7, previously marked, was</p> <p>25 introduced.)</p>
<p style="text-align: right;">Page 58</p> <p>1 IDA TRASCHEN</p> <p>2 authority to do so; am I right?</p> <p>3 A. Yes.</p> <p>4 Q. And you acted lawfully in that</p> <p>5 authority?</p> <p>6 A. Yes.</p> <p>7 Q. You gave no due process to</p> <p>8 answer any of the complaints or allegations</p> <p>9 against me; is that right, you afforded me</p> <p>10 no due process?</p> <p>11 MR. THOMPSON: Objection to the</p> <p>12 form of the question.</p> <p>13 A. I disagree and it's a</p> <p>14 complicated legal matter which does not --</p> <p>15 in this form I can't address.</p> <p>16 Q. Let me simplify the legal</p> <p>17 matter, Counsel.</p> <p>18 Did you receive any affidavits</p> <p>19 in reply to the affidavits written against</p> <p>20 me?</p> <p>21 MR. THOMPSON: Objection to the</p> <p>22 form of question.</p> <p>23 A. I'm sorry, did I receive what?</p> <p>24 Q. Affidavits from my office, did</p> <p>25 you reply to the complaints made against</p>	<p style="text-align: right;">Page 60</p> <p>1 IDA TRASCHEN</p> <p>2 Q. I'll direct your attention to</p> <p>3 Paragraph 23.</p> <p>4 A. Could you scroll down to</p> <p>5 Paragraph 23.</p> <p>6 (Whereupon, the Court Reporter</p> <p>7 complied.)</p> <p>8 A. Okay.</p> <p>9 Q. This a document that was</p> <p>10 written by the attorney that was</p> <p>11 representing me at the time.</p> <p>12 Are you familiar with this</p> <p>13 document?</p> <p>14 A. I remember seeing it back in</p> <p>15 you know, 2012.</p> <p>16 Q. And that Bushra Vahdat wants me</p> <p>17 to -- on Paragraph 23, I'm asserting that</p> <p>18 Bushra Vahdat wants me to stay good and</p> <p>19 stay quiet.</p> <p>20 Do you see that?</p> <p>21 A. Yes, I do.</p> <p>22 Q. She didn't like me. She didn't</p> <p>23 want me writing letters concerning what I</p> <p>24 saw or experienced at the Brooklyn TVB,</p> <p>25 would that be a fair assessment?</p>

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IDA TRASCHEN

MR. THOMPSON: Objection to the
form of the question.

Q. How do you interpret staying
good and quiet, how do you interpret that?

A. I cannot answer for what Judge
Vahdat meant by that. I don't know what
she meant by that.

Q. Were you offended by my letter
of March 20th of 2015 and you wanted me to
stay quiet?

A. No, I was not offended by it.

Q. And you took no action in
response?

A. As you said, I don't recall if
I took any action.

MR. CAPOGROSSO: I'm done.

Thank you.

(Whereupon, at 1:21 P.M., the
Examination of this witness was
concluded.)

o o o o o

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IDA TRASCHEN

EXHIBITS

PLAINTIFF'S EXHIBITS (Previously marked)

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
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68	Two-page workplace violence incident	7
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15	Two-page letter dated May 20, 2015	28
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11	One-page dated June 20, 2012	45
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7	11-page Verified Petition	59
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(Exhibits retained by Court Reporter.)

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IDA TRASCHEN

DECLARATION

I hereby certify that having been
first duly sworn to testify to the truth, I
gave the above testimony.

I FURTHER CERTIFY that the foregoing
transcript is a true and correct transcript
of the testimony given by me at the time
and place specified hereinbefore.

IDA TRASCHEN

Subscribed and sworn to before me
this ____ day of _____ 20__.

NOTARY PUBLIC

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IDA TRASCHEN

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EXAMINATION BY	PAGE
MR. CAPOGROSSO	3

INFORMATION AND/OR DOCUMENTS REQUESTED	PAGE
INFORMATION AND/OR DOCUMENTS	(None)

QUESTIONS MARKED FOR RULINGS	PAGE LINE QUESTION
(None)	

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IDA TRASCHEN
CERTIFICATE

STATE OF NEW YORK)
: SS.:
COUNTY OF KINGS)

I, JAMIE NEWMAN, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 31st day of December 2020.


JAMIE NEWMAN

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